



STATE OF ARIZONA
DIVISION OF EMERGENCY
MANAGEMENT



RECOVERY SECTION

STANDARD OPERATING PROCEDURES

PUBLIC ASSISTANCE PROGRAM

SECTION 10.a

ENVIRONMENTAL COMPLIANCE



**STATE OF ARIZONA
DIVISION OF EMERGENCY MANAGEMENT
PUBLIC ASSISTANCE PROGRAM
STANDARD OPERATING PROCEDURES**



ENVIRONMENTAL COMPLIANCE

I. The Environmental Review Process

A. Policy and Objectives

Being unaware of your environmental obligation does not relieve you of your liability. If you are involved with a construction project, you may be responsible for meeting federal, state and local environmental regulations. Part of the Arizona Department of Environmental Quality's (ADEQ) mission is to protect and enhance the environment in Arizona. ADEQ is committed to protecting the environment within the State of Arizona.

When funding Public Assistance recovery projects, we must ensure that all projects comply with federal state and local environmental laws and regulations that protect the quality of our environment. All practical means and measures must be used to protect, restore, and enhance the quality of our environment, and to avoid or minimize adverse environmental consequences.

It is our objective and our requirement to achieve the use of the environment without degradation, or undesirable or unintended consequences. We want to preserve the historic, cultural, and natural aspects of our national, regional, and local heritage, and to maintain an environment that supports diversity and variety of individual choice. It is our objective to achieve a balance between resource use and development, and to accomplish this within the sustained carrying capacity of the ecosystem involved. We also want to enhance the quality of renewable resources, and work toward the maximum attainable recycling of depleting resources.

A variety of environmental laws and regulations must be complied with, including the National Environmental Policy Act (NEPA), Clean Water Act, Clean Air Act, Endangered Species Act, National Historic Preservation Act, and related Federal Statutes, associated State and Tribal Codes, Ordinances, and Other Statutes.

As a means of achieving these objectives, all State funded projects rely heavily on the applicant identifying and communicating any issues or concerns and/or the PAC being aware and asking questions during the initial (and any subsequent) site visit(s). Documentation of any concerns should be made on the Special Considerations Form that is included in the PW Package. FEMA-funded projects are subject to environmental review before they are approved. Both the FEMA and Arizona Environmental Compliance Specialists review the projects to ensure that all applicable environmental laws and provisions are met.

Informational resources available that can provide answers or at least direction to ensure that you are complying with environmental laws and regulations are:

- Arizona Department of Environmental Quality: www.azdeq.gov
- State Environmental Legislation:
<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=49>
- Federal Environmental Legislation – Major Environmental Laws – EPA’s compilation of links to the major federal environmental statutes: www.epa.gov/lawsregs/laws/index.html
- Managing Your Environmental Responsibilities – A Planning Guide for Construction and Development:
<http://www.epa.gov/compliance/resources/publications/assistance/sectors/constructmyer/myerguide.pdf>
- The Construction Industry Compliance Assistance Center:
www.cicacenter.org

B. The National Environmental Policy Act (NEPA)

The National Environmental Policy Act requires every Federal agency to follow a specific planning process to ensure that agency decision-makers and local governments have considered, and the general public is fully informed about, the environmental consequences of a Federal action. There are several levels of review that may be required in the NEPA process.

C. Environmental Assessment and Environmental Impact Statement

The first step in applying the NEPA process is to determine whether an Environmental Assessment or an Environmental Impact Statement will be required. Large projects that have a significant impact on the environment normally require an Environmental Assessment. Some examples are projects that will result in extensive change in land use, projects that will affect many people, projects that will likely have controversial environmental impact and

projects that will adversely affect wildlife populations, wildlife habitat, floodplains, wetlands, and other important natural resources.

An Environmental Assessment is a concise public document that serves to provide sufficient evidence of the environmental impacts of the proposed action. It may conclude with one of two findings: either a finding of No Significant Impact or a Notice of Intent to Prepare an Environmental Impact Statement. If the finding is No Significant Impact, then the project can proceed. Otherwise, an Environmental Impact Statement must be prepared.

An Environmental Impact Statement is required when significant environmental impacts are anticipated. It is a detailed analysis evaluation of all the impacts of the proposed action and all reasonable alternatives. This document usually provides more detailed and rigorous analyses than the Environmental Assessment, and also provides for formal public involvement.

D. Statutory Exclusions (STATEX) and Categorical Exclusions (CATEX)

Both Environmental Assessments and Environmental Impact Statements can sometimes be lengthy processes that may possibly delay a project for many months, or even longer. For this reason FEMA has developed a process to identify projects which normally do not require Environmental Assessment. This allows those projects to proceed with a minimum of delay.

Certain types of projects may be excluded from NEPA review, but compliance with other individual laws, such as the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act, is still required.

Projects are first reviewed by the FEMA and state Environmental Compliance Specialists to determine if the project may be excluded from NEPA review. Some project may meet the criteria for Statutory Exclusions (STATEX), and other projects may be classified as Categorical Exclusions (CATEX).

Typically, most projects qualify for exclusion as STATEX or CATEX, but some will review more formal review.

Statutory Exclusions (STATEX). Statutory exclusions provide exemption from NEPA review for certain types of actions and generally include actions that have the effect of restoring facilities substantially as the existed before a major disaster or emergency. (i.e. projects that restore facilities to their pre-disaster condition) Statutory exclusions generally include:

- Debris removal, including clearance of roads and demolition of unsafe structures.

- Emergency protective measures, such as the construction of temporary bridges and other activities necessary to reduce immediate threats to life, property, and public health and safety.
- Repair or restoration projects that do not affect the location, footprint, function, or size of the original project.

Categorical Exclusions (CATEX). Categorical exclusions include actions that, through experience, FEMA has found typically will have little or no environmental effect. Examples include minor improvements or minor hazard mitigation measures at existing facilities, such as placing riprap at a culvert outlet to control erosion. Minor improvements necessary to meet current codes and standards are included as STATEX, provided the upgrades do not conflict with other environmental laws.

If there are unresolved extraordinary circumstances, such the presence of protected natural or cultural resources, the proposed action cannot be categorically excluded, and an Environmental Assessment would be required.

II. Getting a Project Through Environmental Review

A. Environmental and Historic Resources “Green Book”

More detailed information about environmental compliance can be found in the document entitled FEMA-ADEM Policy and Procedures, Environmental and Historic Resources, commonly known as the “Green Book”.

B. Environmental Issues Can Jeopardize or Cancel Funding of a Project

FEMA will not fund projects that do not comply with federal regulations. Therefore it is to everyone’s advantage to identify potential environmental issues as soon as possible in the project planning process, so they can be successfully dealt with.

C. When Should Potential Environmental Issues Be Identified?

Since environmental issues have the power to stop a project, they should be identified as soon as possible.

D. PDA. The best time to start thinking about them is during the Preliminary Damage Assessment (PDA). If possible, a State Environmental Compliance Specialist should be part of the PDA team. This is a good time to begin gathering information about whether any environmental or historic damage was suffered during the disaster, and whether anticipated recovery projects can avoid causing any further damage. Any damage to

historic structures or archaeological sites should be noted. If there are environmentally sensitive or pristine areas nearby, that should also be noted. If known, the presence of endangered species or endangered species habitat should also be noted.

- E. Applicant Briefing.** Environmental and Historic Preservation issues (and their potential to delay or jeopardize funding) should be discussed at the Applicant Briefing. The attendees who need the most detailed information are the representatives from the public works departments, but it is also important for the elected officials and for the representatives from the accounting departments to be generally aware of the issues.
- F. Kickoff Meeting.** A review of potential environmental and historic preservation considerations should be conducted at the Kickoff Meetings. Among the attendees at this meeting who have a particular need for this information include environmental and historic preservation employees (or whoever is responsible for environmental compliance for the applicant), Floodplain Manager/FCD representative, and those who will be responsible for identifying and repairing damaged areas.
- G. Project Worksheet Preparation.** All potential environmental and historic preservation issues must be identified on the Project Worksheets. The PAC can greatly assist the applicant in identifying these potential issues. The FEMA and state Environmental Compliance Specialists rely heavily on information in the Project Worksheet to identify projects that may need a closer look for environmental compliance. In most cases, the Project Worksheet will contain enough information that the project can be cleared as exempt from further NEPA review.
- H. Category of Work.** Work done under Category A, Debris Removal, including clearance of roads and demolition of unsafe structures, is generally statutorily excluded from the NEPA review process, and is exempt from further review. Work done under Category B, Emergency Protective Measures, including the construction of bridges and other activities necessary to reduce immediate threats to life, property, and public health and safety, is also generally exempt from further NEPA review.
- I. Scope of Work and Special Considerations.** The Environmental Compliance Specialists will pay particular attention to the Scope of Work, and to the Special Considerations questions. If the scope of work has changed from the pre-disaster condition, or if there are "Yes" boxes checked on the Special Considerations form, a more detailed

environmental review may be conducted before it can be determined if the project qualifies for exemption from further NEPA review.

- **Scope of Work.** If the facility is to be restored substantially to its pre-disaster condition, including only minor upgrades necessary to conform to current construction codes and standards, the project may be exempt. Exemptions also apply to projects with minor improvements or minor hazard mitigation measures at existing facilities.
- **Special Considerations.** A “yes” response to any of the questions on the Special Considerations form is an indicator that the requirements of one or more environmental laws may be triggered. These responses will alert the Environmental Compliance Specialists to examine the project more closely. They may conduct a site visit, or require additional information. Following the additional attention by the Environmental Compliance Specialists, most such projects will wind up being exempt from further NEPA review, generally as categorical exclusions (CATEX). If the project cannot be excluded from further NEPA review, then an Environmental Assessment will generally be required.

III. How Can Potential Environmental and Historic Preservation Issues Be Identified?

All projects must be reviewed for environmental and historic preservation compliance, but many potential problems can be identified and possibly avoided by the applicant and PAC during the planning stage.

A. Project Characteristics That Might Indicate Environmental Issues. It is likely that you will need input from someone familiar with the pertinent environmental laws if your project has any of the following characteristics:

- Your project is near a stream, a wetland, or other body of water.
- It will require the destruction of an area of natural vegetation.
- There are endangered species or there is endangered species habitat nearby.
- It is in or near a special resource area, like a wildlife refuge.

In such cases the PAC or Environmental Compliance Specialist can give you guidance, and can identify the proper agencies and people who have the necessary skills and authorities. As examples, the PAC can help you design (and document) your project so that it has the least likelihood of triggering environmental review, and the Environmental Specialist can help you determine if there are endangered species or habitat present.

B. Keep the Project Within the Original Footprint. If possible, the project should be substantially restored to its pre-disaster condition, occupying the same footprint. If the project is larger than the original footprint, environmental issues may be triggered.

C. Thoroughly Document any Special Considerations Questions. If there are any "Yes" responses on the Special Considerations form (FEMA Form 90-120, the "nine questions" form), be sure to provide detailed comments. The comments help the Environmental Compliance Specialists determine if the project can be exempted.

D. Environmental Compliance Is Still Required for Exempted Projects

It should be noted, that even if a project has been exempted from NEPA review (CATEX and STATEX), compliance with other individual laws, such as the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act, is still required. That is, even if the project is funded, the provisions of the various other environmental laws must be complied with. For example, the presence of an endangered species near a construction site might place certain restrictions on construction activities, such as accomplishing the work outside of the breeding season.

IV. If My Project Is Cleared by FEMA, Do I Still Need a Permit to Do the Work?

Generally, yes, unless the local, State, or Federal regulations have permit exemptions to the work proposed. For projects in floodplains (the vast majority of projects) a permit from the U.S. Army Corps of Engineers (USACE) is generally required. In most cases, the permit will have been issued previously during the original construction of the facility, but the Arizona Regulatory Office should be contacted. A list of USACE regulatory contacts for the various Arizona counties in the FEMA-ADEM Policies and Procedures for Environmental and Historic Resources document (the "Green Book"). It is the applicant's responsibility to acquire any required state, county, local, or tribal permits.

V. Who Do I Need to Contact to Ensure Environmental Compliance?

As a general rule, the applicant needs only to contact the PAC and the appropriate permitting agency, usually the USACE. The PAC will assist the applicant in identifying potential environmental issues when filling out the Project Worksheets. If further environmental review or consultation is required, the FEMA and State Environmental Compliance Specialists will coordinate with the appropriate Federal and State agencies, such as the State Historic Preservation

Office (SHPO), the Arizona Department of Game and Fish, and the U.S. Fish and Wildlife Service. In some cases, further meetings and/or site visits may be necessary.

Protect Arizona's Quality of Life

State of Arizona Environmental Considerations and Contacts [Green Book] Revised September 11, 2006

FEMA-1660-DR-AZ Summer 2006 Monsoon and Flooding July 25, 2006 – August 4, 2006

Arizona Division of Emergency Management (ADEM)
and
US Department of Homeland Security,
Federal Emergency Management Agency (FEMA)

Environmental Considerations and Contacts

FEMA-1660-DR-AZ

www.fema.gov

For online information specific to FEMA Region IX (which includes Arizona) go to "Regions", click IX on the map, then click "Environmental Info" and choose among the linked pages.

FEMA Region IX, Regional Environmental and Historic Compliance Officer:

Alessandro Amaglio, alessandro.amaglio@dhs.gov , telephone 510-627-7284, fax 510-627-7270
1111 Broadway, Suite 1200, Oakland, CA 94607

FEMA Environmental Liaison at the Joint Field Office (JFO):

Steven Phillips, steven.phillips@dhs.gov 602-685-0930

James Calacal, Public Assistance Officer, james.calacal@dhs.gov 602-685-0937
4909 E. McDowell Rd., Phoenix, AZ 85008

Arizona Division Of Emergency Management (ADEM) Public Assistance Office

Recovery Section Chief, Beth Zimmerman, beth.zimmerman@azdema.gov

602-685-0936 (JFO) 602-231-6310 (ADEM)

Deputy Chief, Wendy McCalla, wendy.mccalla@azdema.gov

602-231-6357 (ADEM)

Environmental Review, Alex McCord, alex.mccord@azdema.gov

602-685-0930 (JFO) 602-231-6310 (ADEM)

State Mitigation Officer, Darlene Trammell, darlene.trammell@azdema.gov

602-685-0931 (JFO) 602-231-6254 (ADEM)

Arizona Division of Emergency Management

Recovery Office - DFO

5636 E. McDowell Road, Bldg 5507

Phoenix, AZ 85008

National Environmental Policy Act (NEPA)

It is the intent of NEPA to ensure consideration of the historical, cultural and natural aspects of the environment, including habitats, floodplains, wetlands, air quality, etc., as well as the risks to public health and safety, in the planning and decision-making process.

Everyone, public officials and the public itself, has a stake in the process to identify and evaluate the alternatives to any federally funded action before funds are obligated.

FEMA regulations require that all Project Worksheets (PW) be screened to assure compliance with environmental laws and statutes, and to determine whether ADEM and FEMA need to provide environmental information to all public officials and the affected community before the project is implemented.

Construction may not begin on any proposed project before environmental review is completed because project activity would foreclose the opportunity to review potentially adverse impacts, and would limit the choice of reasonable alternatives and remedies. Lack of environmental clearance before work begins may jeopardize funding of a project.

Statutorily excluded (STATEXed), i.e. exempted, from NEPA review are emergency work, such as debris removal, and protective measures (police and fire assistance) to assure public health and safety, and permanent work which repairs a facility to its pre-disaster condition.

Note, however, that **STATEXes do not apply** to any other law or statute (for example: the Endangered Species Act, or the National Historic Preservation Act), for which environmental clearance may still be required (see 44 CFR 10.8 (c) and Stafford Act sections 402 403, 407, and 502.). Change of scope of work required for compliance with other laws might change the statutory status of a project, and NEPA review might consequently be needed.

Categorically excluded (CATEXed) are projects that have minimal or no effects on environmental quality, make no significant change to existing environmental conditions, and have no significant environmental impact. (See 44 CFR 10.8 (d) (2) for a specific list of CATEXes.)

Extraordinary Circumstances However, even projects that would ordinarily be CATEXed from NEPA review may require an Environmental Assessment, (or, rarely, an Environmental Impact Statement) with public review and comment, **if** any of the following Extraordinary Circumstances [44CFR Part 10.8(d)(3)] is/are present, unless effects are reduced to non-significant level:

- greater **scope or size** than normal
- high level of **public controversy**
- potential to **degrade already existing poor** environmental conditions
- use of **unproven technology** with potential adverse effects
- presence of **endangered or threatened species or their critical habitat, or archaeological, cultural, historical** or other protected resources
- **hazardous or toxic substances** at levels that exceed federal, state or local regulations
- potential to adversely effect special status areas such as **wetlands, wildlife refuge and wilderness areas**, wild and scenic rivers, sole or principal **drinking water aquifers**
- potential to adversely effect **health or safety**
- potential for **significant cumulative impact** of the proposed action, when combined with other past, present and future actions, even if the impact of the proposed action is not significant in itself.

Endangered Species Act (ESA)

The ESA requires that federal agencies coordinate with the U.S. Fish and Wildlife Service (USFWS) to prevent or modify projects that would jeopardize the continued existence of any threatened or endangered species, or that will result in the destruction or adverse modification of designated critical habitat for these species.

If clean-up or construction actions will be undertaken on previously unaltered land, or if these activities may potentially affect the water quality or quantity of a watershed, or if any State or Federal listed or proposed species and habitat may be affected, FEMA must consult with the Services in order to comply with the ESA, which requires federal agencies to consider, avoid or minimize the effects that actions may have, before they are undertaken, to species and habitat. ALL federally funded projects must comply with the ESA, even if they are otherwise excluded from NEPA (Statutorily Excluded, or STATEXed).

Contact the following offices for more information about the threatened and endangered species, and their critical habitat, in your locality:

U.S. Fish and Wildlife Service, Arizona Ecological Services

Phoenix main office:

For Gila and Apache Counties:

Debra Bills, 602-242-0210

Flagstaff sub-office:

323 N. Leroux St., Suite 101, Flagstaff, AZ 86001

Brenda Smith, Assistant Field Supervisor, Flagstaff Suboffice,

Brenda_Smith@fws.gov, 928-226-0614 x101

Shaula Hedwall, Fish and Wildlife Biologist,

Shaula_Hedwall@fws.gov, 928-226-0614 x103

Tucson sub-office:

110 S. Church Ave., Suite 3450, Tucson, AZ 85701

Mark Crites, Fish and Wildlife Biologist, mark_crites@fws.gov, 520-620-7513

Website for information about endangered species, habitat, and recovery programs in Arizona, county by county: <http://ifw2es.fws.gov/Arizona>

Arizona Department of Game and Fish

Main Office - Phoenix 602-942-3000

2221 W. Greenway Rd.

Phoenix, AZ 85023-4399

Duane L. Shroufe, Director, 602- 789-3290

John Kennedy, 602-789-3602

POC: Chuck Paradzick, 602-789-3608

<http://www.gf.state.az.us>

USDA Forest Service

Tonto National Forest Office

Forest Supervisor's Office
2324 E. McDowell Rd., Phoenix, AZ 85006
602-225-5200

Apache-Sitgreaves National Forest Office

Forest Supervisor's Office
309 S. Mountain Avenue, U.S. Highway 180
P.O. Box 640
Springerville, AZ 85938
928-333-6292

Coconino National Forest Office

Forest Supervisor's Office
1824 S. Thompson St.
Flagstaff, AZ 86001
928-527-3600

Kaibab National Forest Office

Forest Supervisor's Office
800 S. 6th St.
Williams, AZ 86046
928-635-8200

Prescott National Forest Office

Forest Supervisor's Office
344 S. Cortez St.
Prescott, AZ 85303-4398
928-443-8000

Coronado National Forest Office

Forest Supervisor's Office
300 W. Congress St, Tucson, AZ 85701
520-670-4552
District Ranger, Ron Senn, 520-749-8700
Josh Taiz, District Biologist, 520-749-8700
Tom Skinner, Forest Wildlife Program Manager, 520-670-4552
Rachel Hoehl, Special Uses Administrator, 520-749-7737
Bill Lewis, Special Uses Prgrm Mngr 520-670-4583
Randal Smith, Natural resources, 520-670-4572

National Historic Preservation Act (NHPA)

The State Historic Preservation Office (SHPO), a division of Arizona State Parks, ensures that significant properties are protected and effects taken into consideration at an early stage of any project. The SHPO operates in coordination with the Advisory Council on Historic Properties, the National Trust, the National Park Service (NPS), and Recognized Tribal Historic Preservation Officers (THPO). Among the many economic benefits of the Arizona SHPO's mission is the revitalization of historic downtowns, which is an Arizona Department of Commerce Main Street program.

Historic and/or Culturally Significant Structures

Any structure for which federal funds are obligated for repair, demolition or construction, that has historic and/or cultural significance, or that is at least 50 years old (i.e. built on or before 1955), whether it is on the National Register of Historic Places or may eligible for listing, must be reviewed by FEMA in consultation with the SHPO as required by Section 106 of the National Historic Preservation Act. FEMA also consults with other interested parties who may have traditional cultural and historic interests.

Archaeological

If a proposed project will be undertaken in previously undisturbed ground (such as road realignment, relocating utility lines, a material borrow for construction or fill) FEMA must consult with the SHPO and/or a Tribal Historic Preservation Officer (THPO) or Tribal Cultural Resources Officer for archaeological concerns before construction starts. Indian tribes, communities and nations may have traditional cultural, historical and archaeological interests beyond the present day borders of their lands.

Archaeological review can be expedited by providing an accurate map of the proposed project site (SHPO prefers a USGS topographic quad sheet if available), and a description of all proposed work, including depth of digging, for subsurface impacts.

If any man-made materials are found after work begins, such as wells, cisterns, foundations, basements, prehistoric Indian or settler artifacts, or human burials and remains, the applicant must cease work immediately, and protect the site and resources. The applicant must immediately notify ADEM/FEMA, who will contact the SHPO and/or the related THPO or Tribal Cultural Resources Officer.

Contacts for Compliance with the National Historic Preservation Act

Arizona State Historic Preservation Office

James Garrison, State Historic Preservation Officer (SHPO)

1300 W. Washington Street, Phoenix 85007, 602-542-7137, fax 602-542-4180

Matthew Bilsbarrow, Compliance Specialist/Archaeologist, 602-542-7137

mbilsbarrow@pr.state.az.us

Carol A. Gill Griffith, Deputy State Historic Preservation Officer, 602-542-7141

cgriffith@pr.state.az.us

Bill Collins, SHPO Historian, 602-542-7159

Joe Roth, Administrative Assistant, 602-542-4009

Online searchable National Register of Historic Places: <http://www.nr.nps.gov/>

Search by NAME, LOCATION (State and County), etc.

Clean Water Act (CWA)
State Water Quality Certification Section 401, Section 402 and Section 404

The Clean Water Act is intended to restore and maintain the chemical, physical and biological integrity of the Nation's waters. The law requires a review of federal permits, actions and approvals that may result in a discharge to waters of the United States (including wetlands and many washes) to ensure compliance with federal water quality standards.

Section 401 State Water Quality Certification from Arizona Department of Environmental Quality (ADEQ) is required prior to issuance of Section 402 and Section 404 permits from USACE. (A.M. STILL CHECKING THIS.)

U.S. Fish and Wildlife Service, Arizona Department of Game and Fish, State Historic Preservation Office, and the Arizona Department of Environmental Quality are part of the review for individual permits. (EPA issues water quality certification on tribal lands in Arizona.)

Contact any of those agencies early to expedite Section 401.

Section 402 of the CWA refers to the National Pollutant Discharge Elimination System (NPDES)

One goal of the NPDES program is to restore and protect the quality of surface waters to achieve fishable and swimmable standards in the waters of the United States. Another goal of NPDES is to reduce erosion potential, minimize sedimentation, and eliminate non-stormwater discharges from construction sites.

Any private or public entity (most typically a water/wastewater treatment facility with point sources such as outfall from a pipe) that discharges pollutants into waters of the United States, including dry washes or streams, requires a NPDES permit.

Any entity proposing construction activities where five (5) or more acres will be graded or disturbed requires a general permit.

Contact Arizona Department of Environmental Quality and the US Environmental Protection Agency. See local contact information below.

Section 404 of the CWA applies to all actions that will result in a discharge of dredged or fill materials into waters of the United States, which includes rivers, streams, washes (arroyos) and wetlands. The purpose of the Clean Water Act is to restore and maintain the chemical, physical and biological integrity of the nation's waters. Disaster recovery projects such as utility and road crossings, bridges, bank protection, boat launch ramps, are typical activities that require 404 permits if construction activities will be undertaken occur below the normal high waterline.

The Applicant is responsible for obtaining and complying with all permits.

The US Army Corps of Engineers (USACE) administers the CWA, requiring permits for construction, demolition, and any dredging or filling, in any part of surface water tributaries, including small streams, lakes, ponds, stock tanks, construction material pits, and wetlands.

Paving public and private low-water crossings in Arizona requires a USACE permit, so advise the Applicant to call early! (Municipal and County Applicants generally have either a staff member or a local consultant to coordinate permits.)

Written Documentation Required

The Applicant must provide written documentation demonstrating compliance with Section 404 of the Clean Water Act before undertaking permanent Project work. This written documentation shall be provided to the Applicant by the USACE indicating that a project is either not subject to the USACE's jurisdiction, exempt from regulation, or is otherwise authorized (i.e. Regional General Permit, Nationwide Permit, or an individual permit).

Failure to provide the proper documentation may result in the withholding of project funding.

Be sure to start early with the process of coordinating with the USACE so that all of the required permits can be obtained, and to avoid any delay in funding.

A proposed project may qualify for a Nationwide Permit, an Individual Permit, or a Letter of Permission. These USACE Nationwide Permits (NWP) commonly apply to disaster recovery projects:

NWP No. 3 Maintenance; authorizes repair, rehabilitation or replacement of structures destroyed by storms, floods. Minor deviations in the structures configuration or filled area, including those due to changes in materials, construction techniques or current codes or safety standards, provided the environmental effects are minimal. NWP 3 is used to regulate cleaning culverts in washes (arroyos).

NWP No 12 Utility Line crossings through washes and other waters.

NWP No. 13 Bank Stabilization; for activity less than 500' in length, that does not exceed an average of one cubic yard per running feet placed along the bank, below the plane of the ordinary high water mark

NWP No. 14 Linear Transportation Crossings authorizes the public Applicant to pave an unpaved crossing through a wash, if the maximum area of impact is less than 1/2 acre.

NWP No 26 Headwaters and Isolated Waters Discharges; discharge of dredged or fill materials, that does not cause loss or more than 3 acres of waters nor cause the loss of waters for a distance greater than 500 linear feet of streambed.

Exempted Activities

There are a few activities which involve placement of fill in a waterway that are not subject to the USACE Section 404 regulatory program, provided they were authorized in the first place.

The fill must not change the use of the water and the flow must not be impaired.

1. Normal farming, silviculture and ranching.
2. Maintenance or emergency repair of a currently serviceable structure such as dams, riprap, abutments, and levees. The original design may not be changed.
3. Maintenance or construction of stock ponds or irrigation ditches. Maintenance (not construction) of drainage ditches.
4. Construction of temporary sedimentation basins at construction sites if fill material is not placed in waters of the United States.
5. Activities for which a state has an approved program under Section 208 of the Clean Water Act for non-point pollution sources
6. Construction or maintenance of farm roads, forest roads. Best management practices must be followed to reduce flow pattern impairment and aquatic impacts.

Contacts for Compliance with the Clean Water Act

Arizona Department of Environmental Quality

<http://www.adeq.gov/>

Water Quality Division (Phoenix Main Office): 1110 W. Washington St., Phoenix, AZ 85007

602-771-2303, fax 602-771-4528

Linda Taunt, Manager, Hydrologic Support and Assessment, 602-771-4416

Compliance (Phoenix Office) 602-771-4816

Water Permits (Phoenix Office) 602-771-4682 or -4691

Point Source and Monitoring (Phoenix Office) 602-771-4502

Northern Regional Office: 1515 E. Cedar Ave., Ste. F, Flagstaff, AZ 86004

928-779-0313 or 1-877-602-3675 (toll-free)

Jim Sedillo, Assistant Director, 928-773-2718

Tina Holliman, Admin Sec, 928-773-2719

Southern Regional Office: 400 W. Congress St, Tucson, AZ 85701

520-628-6733 or (888) 271-9302

Arizona Department of Water Resources

<http://www.water.az.gov/adwr/>

500 N. 3rd St., Phoenix, AZ 85004

602-771-8500

Tom Carr, 602-771-8500

Bill Werner, Environmental Planner, 602-417-2400 x7264

Office of Dam Safety:

602-771-8651?

Darrell Jordan, 602-771-8650

Active Management Areas (AMAs):

Phoenix AMA: Mark Frank, Area Director, 602-771-8500

Pinal AMA: Randy Edmond, Area Director, 520-836-4857

Prescott AMA: Jack McCormick, Acting Area Director, 928-778-7202

Santa Cruz AMA: Alejandro Barcenas, Area Director, 520-761-1814

Tucson AMA: Ken Seasholes, Area Director, 520-770-3800

U.S. Army Corps of Engineers (USACE) Arizona Field Office of the Los Angeles District

USACE Los Angeles District:

911 Wilshire Blvd., Los Angeles 90017, or PO Box 532711, Los Angeles CA 90017-3401

Bijan Nooranbankht, Chief of Emergency Operations Branch, 213-452-4447

Phoenix Office:

3636 N. Central Avenue, Suite 900, Phoenix AZ 85012 telephone 602-640-2003

Ron Fowler, 602-640-5385 x226

Daisy, 602-640-5385 x268

For links to the Permit Process in Arizona, www.spl.usace.army.mil/co.co5.html

U.S. Environmental Protection Agency Region IX

75 Hawthorne Street, San Francisco, CA 94105

415-947-8000, Toll Free (866)EP-WEST

Asbestos Questions 415-947-8704

24-Hour Environmental Emergencies 415-947-4400

Regional Administrator, Wayne Nastro, 415-947-8702

Clean Air Act (CAA)

Two disaster events commonly require permits:

Burning Debris

Requests to burn disaster debris must meet all local and State burn requirements.

The Applicant is responsible for obtaining and complying with all permits.

Asbestos removal and disposal

Demolition and renovation of any commercial or public structure, regardless of asbestos content, must be coordinated with the Arizona Department of Environmental Quality (see contact information below) to obtain a "National Emissions Standard for Hazardous Air Pollutants" Permit.

The Applicant is responsible for obtaining and complying with all permits.

Contacts for Compliance with the Clean Air Act

Arizona Department of Environmental Quality

Air Quality Division (Phoenix Office): 602-771-2308

Air Quality Assessment (Phoenix Office) 602-771-2347

Compliance (Phoenix Office) 602-771-2301

Permits (Phoenix Office) 602-771-2338

Flagstaff Regional Office:

928-779-0313 or 1-877-602-3675 (toll-free)

Jim Sedillo, Assistant Director, 928-773-2718

Tina Holliman, Admin Sec, 928-773-2719

Tucson Regional Office: 400 W. Congress St, Tucson, AZ 85701

520-628-6733 or (888) 271-9302

Maricopa County Department of Environmental Quality

602-506-6010

Pinal County Department of Environmental Quality

P.O. Box 987, Florence, AZ

520-866-6000

Pima County Department of Environmental Quality

130 W. Congress St, Tucson, AZ 85701

520-740-3340

EXECUTIVE ORDERS

Executive Order (EO) 11990, Wetlands Protection

Do not dump debris or other material in wetlands (which may look dry during some seasons), even temporarily. Any permanent modification to a wetland requires FEMA review and must follow the 8-step process including public notification and comment pursuant to 44 CFR Part 9. The Applicant/Subgrantee is responsible for calling ADEQ, EPA, and USACE for more specific information, and for obtaining permits before undertaking any action in waterways, wetlands and washes.

(See contact information below)

Floodplain Management -Executive Order (EO) 11988

Floodplain and wetland restrictions overlap each other. Any new construction or activity in a floodplain or wetland, new construction or activity that supports development in a floodplain or wetland, or new construction or activity that may affect a floodplain or wetland, must comply with EO 11988. FEMA must review the project prior to construction/approval, and must follow the eight step process incorporating public notification and analysis of alternatives pursuant to 44 CFR Part 9.

To expedite the review, the PW should include indications of the project site on a floodplain map, and include that section of the map and the map identification information.

The local community and Applicant/Subgrantee may also call his/her local county Floodplain administrator:

AZ NFIP Coordinator

Brian Cosson, Arizona Department of Water Resources, 602-771-8500

County Floodplain Administrators

Apache Co. Martin Moore
(928) 337-4364 (928) 337-2003 mmoore@co.apache.az.us
Apache Co., Dev., Comm. Serv., P.O. Box 238, St. Johns, AZ 85936

Cochise Co. Allon Owen, P.E. Highway & Floodplain Director
(520)432-9445 (520)432-9645
Cochise Co Hwy & Floodplain Dept.,
1415 W. Melody Ln., Bldg. B, Bisbee, AZ 85603-3090

Coconino Co. Bill Towler Director, Coconino Co Planning & Zoning
(928) 226-2700 (928) 226-2701
2500 Fort Valley Road, Bldg. 1, Flagstaff, AZ, 86001

Gila Co. Darde de Roulhac Floodplain Administrator
(928) 474-1076 (928) 474-0802 dderoulhac@co.gila.az.us
Gila County, 714 S. Beeline Hwy Ste.200, Payson, AZ 85541

Graham Co. Michael Bryce
(928) 428-0410 (928) 428-5951 mbryce@graham.az.gov
Graham County, 921 Thatcher Blvd. on Hwy 70, Safford, AZ, 85546

Greenlee Co. Phil Ronnerud Pub Works Director/Engineer
 (928) 865-4762 (520) 865-2779 pronnerud@co.greenlee.az.us
 Greenlee County, P.O. Box 908, Clifton, AZ 85533

LaPaz Co. Brad Weekley Planning & Zoning
 (928) 669-6138 (928) 669-5503
 LaPaz County, 1112 Joshua, Ste. 202, Parker, AZ 85344

Maricopa Co. Michael Smith, C.F.M Floodplain Administrator
 (602) 506-0538 (602) 506-7346 mis@mail.maricopa.gov
 Flood Control District of Maricopa Co., 2801 W. Durango St., Phoenix, AZ 85009

Mohave Co. Richard Skalicky County Public Works Director
 (928) 757-0910 (928) 757-0912 mcpwdir@kingman.com
 Mohave County, P.O. Box 7000, 3675 E. Hwy., Kingman, AZ 86402

Navajo Co. Bill Cox County Engineer/Floodplain Administrator
 (928) 524-4100 (928) 524-4122 billc@co.navajo.az.us
 Navajo County, P.O. Box 668, Holbrook, AZ 86025

Pima Co. Terry Hendricks Chief Hydrologist
 (520)243-1800 (520)740-6749 vrothack@dot.co.az.us
 Pima County DOT and FCD, 201 N. Stone, 4th Floor, Tucson, AZ 85701

Pinal Co. Phil Hogue Floodplain Administrator
 (520) 866-6664 (520) 868-6512
 Pinal County Flood Control District, P.O. Box 827, Florence, AZ 85232

Santa Cruz Co. John Hays County Floodplain Administrator
 (520)761-7930 (520) 761-7930 jhays@co.santa-cruz.az.us
 Santa Cruz County, 2150 N. Congress Dr, Nogales, AZ 85621

Yavapai Co. Kenneth Spedding Floodplain Administrator
 (928) 771-3197 (928) 771-3427 Ken.spedding@co.yavapai.az.us
 Yavapai County, 500 S. Marina St., Prescott, AZ 86303

Yuma Co. Roger Patterson County Engineer
 (928)329-2300 (520)726-5626 crse@DDS.co.yuma.az.us
 Yuma County Department of 2703 South Ave. BYuma, AZ 85364

Environmental Justice for Low Income and Minority Populations, EO 12898

Each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority populations and low-income populations, particularly when such analysis is required by NEPA. The EO and guidance emphasize the importance of NEPA's public participation process, directing that each Federal agency shall provide opportunities for community input in the NEPA process. Agencies are further directed to identify potential effects and mitigation measures in consultation with affected communities.

The EO requires agencies to work to ensure effective public participation and access to information. Thus within its NEPA process and through other appropriate mechanisms, each Federal agency should, wherever practical and appropriate, translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations.

Suggested Information to Aid in Project Review

- Documentation from other agencies (e.g., U.S. Census Bureau, State and State Regional, County and Local Planning and Development Agencies, etc.) including studies and reports and recommendations.
- Studies and reports (e.g., traffic, noise, dust, odor, hazardous and toxic materials, etc.) documenting the project scope and surrounding areas as related to low income and minority populations including direct and indirect effects.
- Census data and income information of affected populations (e.g., location of public housing, minority and low-income neighborhoods, etc.).

Excellent website for Arizona population statistics, economic analysis and labor market information (Indian reservations included)

<http://www.de.state.az.us/links/economic/webpage/page14.html>

Other Important Contacts

Apache County Emergency Management

Brian Hough, 928-337-7577

Cochise County Emergency Management

Bob Bobar, 520-432-9550

Coconino County Emergency Management

Jim Driscoll, 928-226-5014

Gila County Emergency Management

Mariano Gonzales, 928-425-3231 x8767

Graham County Emergency Management

Terry Cooper, 928-428-3250

Greenlee County Emergency Management

Phil Ronnerud, 928-865-4762

La Paz County Emergency Management

CPT SteveBiro, 928-669-6141

Maricopa County Emergency Management

Osman Aloyo, 602-273-1411

Mohave County Emergency Management

Byron Stewart, 928-757-0910

Navajo County Emergency Management

Larry Dunagan, 928-524-4780

Pima County Emergency Management

Dennis Douglas, 520-740-8267

Pinal County Emergency Management

Pete Weaver, 520-866-6415

Santa Cruz County Emergency Management

Louis Chaboya, 520-375-8000

Yavapai County Emergency Management

Nick Angiolillo, 928-771-3321

Yuma County Emergency Management

Jack McArthur, 928-373-4852

DR 1660
U.S. Army Corps of Engineers (USACE)
Arizona Field Office of the Los Angeles District

Phoenix Office:
3636 N. Central Avenue, Suite 900, Phoenix, AZ 85012 Ph 602-640-2003

Cindy Lester: 602-640-5385 Ext 222	Chief, Arizona Regulatory Office
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Robert Dummer: 602-640-5385 Ext 224	Cochise Co., Graham Co., Santa Cruz Co.
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Daisy Eldridge: 602-640-5385 Ext 268	Yavapai Co., Coconino Co.
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Ron Fowler: 602-640-5385 Ext 226	Apache Co., Gila Co., Greenlee Co., Navajo Co., Yuma Co., Maricopa Co.
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Sally McGuire: 602-640-5385 Ext 221	Pinal Co., Maricopa Co.
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Ann Pollowuan (sp?): 602-640-5385 Ext 227	Maricopa Co.
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Kathleen Tucker: 602-640-5385 Ext 254	ADOT Projects
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Elizabeth Smith-Brooks: 602-640-5385 Ext 223	General Information
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Marjorie Blain: 520-584-1684 (Tucson Office)	Mohave Co., La Paz Co., Pima Co., Colorado River
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